

***Village of Barrington
Zoning Board of Appeals
Minutes Summary***

Date: September 2, 2003

Time: 7:00 p.m.

Location: Village Board Room
200 South Hough Street
Barrington, Illinois

In Attendance: Patricia Pokorski, Chair, Zoning Board of Appeals
Robert Henehan, ZBA
Ryan Julian, ZBA
Victoria Perille, ZBA
Peg Moston, ZBA

Staff Members: Jeff O'Brien, Planner/Zoning Coordinator

Call to Order

Chairperson Pokorski called the meeting to order at 7 p.m. Roll Call noted the following: Patricia Pokorski, Chair, present; Ryan Julian, present; Bruce Kramer, absent; Peg Moston, present; Victoria Perille, present; Ralph Bartlett, absent; and Robert Henehan, present. There being a quorum established, the meeting proceeded.

Chairperson's Remarks

Ms. Pokorski swore in anyone who would be giving testimony.

Old Business

ZBA 03-07 Kohanzo residence (540 S. Cook Street)

Petitioners: Dan Kohanzo, Sara Petersen (architect)

Mr. Kohanzo recapped what occurred at the August 5 meeting; they are planning to replace their existing garage with a 2-car tandem garage and are asking for variations on the side and rear.

Ms. Petersen stated that they are on a nonconforming lot; it is narrower than the standard. They are looking to overlap the 30 feet rear setback and the side yard setback. She stated that in a July 14 letter they included new options. In SK1.1 the plan has no setbacks or variances, but there is only 16 feet to back out of the garage. In SK1.2, they pushed the garage back 2 feet but kept the side yard setback regulation and would be in danger of hitting the corner of the house. SK1.3 is what the staff report is based on and includes a 2 foot variance in the rear and 6 inches on the side yard. In this sketch the car would still overlap the corner of the house. In 1.4 there is 2 feet in the rear, 6 inches on the side, and the garage structure is shortened to 36 feet (where is usually 38) and it is really tight. Ms. Petersen stated that the standard distance to back a car out is 21 feet.

Ms. Petersen stated that she had spoken with Mr. O'Brien and that she told him they wanted as much as the board was willing to give them. She believes the side yard is crucial and they are looking for a minimum of a 2 foot variance in the rear and a 6 inch variance on the side, but 1 inch would be better.

Mr. O'Brien stated that the staff would like to see the 3 foot side and 5 foot rear setbacks met. They feel that a 2 car side-by-side garage can still be met this way. Staff recommends denial of the request but they are open to modifications from the petitioners.

Ms. Pokorski asked about site plan SK1.1 and how it related to the staff report.

Mr. O'Brien said that the Zoning Board is leaning towards denial. He stated that 16 feet (to back out) is not impossible and that the previous year they had one that was only 9 or 10 feet.

Ms. Moston asked what the calculations were based on (for backing out).

Ms. Petersen said they are basic building standards followed by architects. She stated that what Mr. O'Brien referenced was a garage that was closer to the house. In this case there is only 8 feet to the edge of the property and with the way the lot is she believes it is impossible without 16 feet. She stated that they did submit SK 4 with a standard 2-car garage but it would also hit the corner of the house. Ms. Petersen showed documents to the board.

Ms. Pokorski noted that the board needs direction because this is a technical issue rather than interpretation of the code.

Mr. O'Brien stated that from a technical standpoint there can be differing opinions. The standards for pulling a car out are based on the characteristics of the vehicle and the lot. He noted that the way the house is and the garage might cause problems. He believes 20 feet is more than adequate and they have seen less. He said that the basis for recommending denial is that they feel 3 feet from the property line in the rear and 2 feet on the side are rather large variations. Staff tends to look down upon this for a 2-car garage. He stated that staff is willing to look at plan that looked for variations outside the 30 feet in the rear yard; they are skeptical at the 5 feet and 3 feet yard setbacks.

Mr. Julian said that the issue last time was only having 1 foot on the side for maintenance of the garage.

Mr. Henahan noted that if a neighbor put up a fence there would be no room at all.

Ms. Moston asked if it was 3 feet on the South side.

Ms. Petersen said it was 2.6 feet.

Ms. Moston asked if they were discussing previous cases. She said that the #1 factor in the past for her has been neighbor's strong opposition and that there is no opposition in this case. Whether or not a 2-car garage is a hardship is also a factor.

Ms. Perille said that everyone lives on small lots and that they are hesitant to allow any more encroachment.

Ms. Moston asked if it was a corner of garages.

Ms. Petersen said yes.

Mr. Kohanzo stated that they had permission from the West and South neighbors.

Mr. Henahan clarified that the reason the petitioners did not want a 2-car side garage is because it was taking up the yard. He stated that if it were his house he would put a new 1 car garage with an adjacent carport that would be blocked from the South and West. They could leave the car out in the summer and have a patio and in the winter the car is sheltered. He said that he knows it works because his son has it that way.

Mr. Kohanzo asked about the size of Mr. Henahan's son's lot.

Mr. Henahan said that it is small.

Mr. Kohanzo said that a matter of 2 feet here or there can make a difference.

Ms. Petersen stated that their variations requested this time are half what they were last time. She asked them to remember the placement of the house because there is less room than normal in the rear. She believes 2-car garages are a necessity.

Ms. Moston asked how encouraging the board is for people to reinvest in their property. She asked Mr. O'Brien why this case is considered a substantial variation.

Mr. O'Brien said that it is not because of the square footage but that the variation is almost 50% in the rear and about 30% on the side. He also noted that provisions require buildings to be 5 feet apart.

Ms. Pokorski asked if they would be strict with the code or willing to look beyond it. Is it a hardship? She believes everyone would say yes. If they want to maintain the integrity of the numbers then they deny. If they're willing to support investing in homes, growth, logic... that is why the petitioners are asking for a variance.

Mr. Julian stated that he has no problem with the 2 ½ feet from the neighbor's garage, little problem with the 5 feet in back, but worries about putting an encroachment where there is none now.

Mr. Henehan asked about the reduction from 21 feet to 16 feet in the sketches.

Ms. Petersen said that even if they compromise on the side they would still need space in the rear to back out.

Ms. Pokorski asked if they had the affidavit last time.

Mr. O'Brien said yes, there were 2 letters and one person present at the meeting.

Ms. Perille was concerned about the rear yard. It is an unusual condition that the house is sitting 2 feet farther back than allowed.

Ms. Petersen stated that is the same 2 feet they are looking for in the back and also noted that the lot is 5 feet narrower than the standard.

Ms. Pokorski said that no one was objecting to this request.

Mr. Julian noted that this case will not only affect the people currently living there, but those in the future also.

Ms. Pokorski said that people might find it positive.

Ms. Moston noted that whenever you add value to a home, you add value to the neighbors' homes.

Ms. Perille also said that if it is too close it can be negative. She asked about the minimum requirements between buildings.

Mr. Henehan asked what the neighbors in this case have.

Ms. Petersen said a 3-car garage.

Mr. Henehan asked if it was close to the property line.

Mr. Kohanzo said no, it is actually on the North side of the property.

Ms. Petersen said the neighbors have a double wide lot and that the South neighbors have a 2-car garage.

Ms. Pokorski said that she disagrees with staff and thinks it is a hardship; the position of the house is a unique physical condition, and thinks it is a substantial benefit to have a 2-car garage. She thinks the 2 feet does not bother anyone except the staff. She noted there is no aesthetic disharmony; she cannot tell if there is another way to do it.

Ms. Perille said she is confused because the staff based their evaluation on 1.3 but they also show 1.4.

Ms. Petersen stated that they would ideally like a 38 foot garage because it will allow 2 cars.

Ms. Perille said they have not discussed a 10 foot versus a 12 foot encroachment.

Mr. Henahan said he was leaning towards maintaining the existing South encroachment and giving the 2 feet in back (SK1.3) because there is no one behind there. Ms. Pokorski agreed.

Mr. Julian stated that it seemed no one had an issue with the side yard encroachment.

Ms. Perille asked if they needed to decide how much. With 10 feet or 12 feet there is an encroachment either way- do they need to specify how much?

Mr. Julian said yes.

Mr. O'Brien said they would have to approve 1.3 and then put conditions on.

Ms. Perille asked if everyone was on the same page. Everyone seems to agree on the side yard.

Mr. Julian asked what the purpose of the 30 feet setback.

Ms. Perille said it was for fire separation.

Mr. O'Brien said that is was for open space between both principal structures and locations for accessory structures to be built. If they are leaning towards approval they need to do findings. He asked the board if Ms. Pokorski's outlined findings would be approved or they would need to come up with them.

Ms. Moston agrees with what has been said so far.

Mr. O'Brien reviewed what Ms. Pokorski said. 1) practical difficulty- position of the house 32 feet from front as opposed to allowed 30 feet- unique, 2) position of house and width of lot, 3) obviously not self-created, 4) Ms. Pokorski stated there is substantial benefit to having a 2-car garage, 5) no objection from neighbors, 6) meets planned purposes for zoning ordinances and comprehensive plan, 7) no other remedy, 8) minimum required.

MOTION: Mr. Henahan moved to accept the findings of the Zoning Board of Appeals for the variations as proposed in SK1.3 with 2 feet in the rear and 12 feet on the side. Ms. Moston seconded. **Roll call vote: Ms. Pokorski, yes; Mr. Julian, yes; Ms. Moston, yes; Ms. Perille, yes; Mr. Henahan, yes. Motion carries 5- 0.**

New Business

ZBA 03-09 Barrington Animal Hospital (216 S. Northwest Highway)

Petitioners: Steve Witt (architect), Barb Stapleton

Ms. Pokorski swore the petitioners in.

Mr. Witt explained that they were proposing exterior renovations, interior remodeling, and an upgrade in appearance for the animal clinic. He stated that they will not be boarding animals on the exterior anymore and that will be converted into new building space and parking space. The South side of the building is bordered on 3 sides by existing construction and the 4th side has a chain link fence. This area is not intended for animals to run loose.

Mr. Witt responded to the items addressed by the staff. The staff stated that a sound noise evaluation should be performed and Mr. Witt asked who would perform this. He said they intend to conform to the noise ordinance. He noted that 7 trees (in poor condition) in the area the dogs are now kenneled will be removed for parking but they have also made plans for new landscaping on the property. He stated that the species list is acceptable. Plantings will occur at a seasonal time (probably spring). They have made an agreement to maintain the property. The staff stated a condition that the dogs should only be outside from the hours of 9 am to 5 pm and Mr. Witt says this

restriction would cause problems for the dogs that are staying in the clinic overnight. They need to be let out more frequently but they will be supervised.

Mr. Incomparo said that he was led to believe there would be no dogs outside...

Mr. Witt said that they never presented that information; it was always the contention that dogs housed on a daily basis would need to be let outside occasionally.

Mr. Incomparo said he has a hard time being sympathetic because he lives right behind the clinic.

Ms. Pokorski explained that the neighbor would have a chance to speak when the petitioners were finished.

Ms. Stapleton stated that she knows the Mr. Incomparo because he has telephoned the clinic about the noise. She said that they now have 8 kennels outside and they were not aware of how big the noise problem was until the police came out and told her that the noise funnels into the neighborhood. They had a noise survey done and it was 2 decibels above the village requirement and below the state requirement. Ms. Stapleton talked to her staff about hand walking the dogs, but that this rule does not always get followed. She said she put a padlock on kennels but that employees have found ways around this. The remodeling will eliminate the 8 kennels and there will be a new side yard. They will not be boarding animals except for medical reasons. She said it is impossible to run an animal hospital without space to exercise the pets, especially those on I.V.s. She cannot guarantee no barking but it will improve with these renovations.

Mr. O'Brien stated that staff found 16 of 18 special use standards were fully met. He stated that the special use standard will be met if the kennels are indoors and they restrict the hours for the dogs to go outside. He said staff recommends the hours of 9 am to 5 pm and the ZB will have to decide on this but staff feels a restriction is necessary. He says that the clinic is consistent with the development in that area. The petitioner should investigate storm water management because of erosion issues. Staff recommends approval with conditions: 1) storm water management investigation, 2) sound evaluation done, 3) no animals boarded outside, 4) 9 am to 5 pm restriction for animals outside, 5 & 6? Mr. O'Brien stated that the village will do the sound evaluation at the petitioners' expense.

Ms. Pokorski said that the public could speak and then the petitioner has a chance for rebuttal.

Sam Incopero, 502 East Russell Street

Mr. Incopero said he had the impression there would be no dog runs and asked if there would only be 1 dog outside at a time.

Ms. Stapleton said yes.

Mr. Incopero asked if the 9-5 rule was 7 days a week.

Ms. Stapleton said that the clinic's hours are Monday, Wednesday, and Thursday until 8 pm, Tuesday and Friday until 6 pm and Saturday 8 am to 2 pm. She said that the animals still need to be exercised over the weekend, morning, noon, and night. She does want to eliminate dog runs but there is no way not to take the animals outside. The side yard will be off of the kennel area and there will only be one leashed dog outside at a time and that is the best they can do. 9 am to 5 pm will not work.

Mr. Witt said the renovations will change the direction of the noise from the West to the West and South and they are reducing the outside noise by only having one dog at a time. They are intending to plant ivy along a section of wall in the back to absorb some sound. They also have 3 feet between the fence and the property line and they can get a hedge in there to muffle the sound.

Ms. Stapleton stated that will no dogs outside together the noise will be minimized.

Ms. Pokorski said that they could add a condition that the dogs should be leashed and walked one at a time.

Ms. Moston said that they cannot limit the hours but just ensure that it will only be one dog at a time. Mr. Julian and Ms. Perille agreed.

Ms. Pokorski said that there will be no boarding outside and there is also a limit on interior boarding.

Ms. Stapleton said that she agreed to the special use condition that the dogs should be leash walked. She also stated they want to put a cat condo in upper level. She says she hesitates to restrict the number of animals boarded because it is unpredictable how many medical issues will come up with pets. She would rather just say to have them hand walked one at a time.

Ms. Pokorski said there is also a fine if they violate the conditions.

Mr. Incopero said he thinks this is great and said that he does not hear noise from other kennels.

Ms. Moston said this situation sounds like it is a win/win.

Ms. Pokorski said staff has a responsibility to monitor compliance of the conditions.

Ms. Perille thought planting will be good for the noise and they should specify the species type and quantity on the final plans.

Mr. Witt showed the area that they want vegetation and how they would help.

MOTION: Mr. Julian motioned to accept the staff's recommendation but change #2 to say the outdoor dog walk use will be limited to one leashed dog at a time and take out the hour limits. Mr. Henahan seconded. Ms. Perille added that the species list is acceptable and the final plans will list the size and quantity with additional dense hedges between the dog walk fence and the property line (East). **Roll call vote: Ms. Pokorski, yes; Mr. Julian, yes; Ms. Moston, yes; Ms. Perille, yes; Mr. Henahan, yes. Motion carries 5- 0.**

ZBA 03-10 Hrobon residence

Petitioners: John Cazzetta (Kemper Cazzetta architects), David Hrobon

Mr. Cazzetta discussed the 3 variances they are requesting for the single family home. They want an addition to the rear (NW) corner for a larger laundry room and arts and crafts and a small extension on the back of the kitchen. The primary variances are to add on to the 2nd floor over the 3 car garage to make larger bedrooms, each with their own bathrooms and to remove the vaulted living room and expand the master bedroom for a study over the living room.

Mr. Cazzetta pointed out that on the site plan there are 2 existing nonconformities: the current garage encroaches on the side yard setback (NW side) and the front yard setback clips the bay window (SE side).

Mr. Cazzetta stated that they want to extend the NW corner straight up so it does not encroach further. They want to put 2 air conditioners on the NW side also because that side is more utilitarian. Mr. Cazzetta stated that it is not likely to offend the neighbors and that this is the only place these air conditioners can exist. The nonconforming situation with the garage is that the furthest back corner sits over the setback but none of their new construction will sit on that back corner. Mr. Cazzetta stated that daylight plane regulations were met and that they were enhancing the property and adding a lot of landscaping.

Mr. O'Brien stated that the staff discussed the variation to the N and decided that there might be reconstruction on the 2nd story to make the nonconforming wall conforming and have no further encroachment. Staff is supporting the variance. He stated that the air conditioner would have to be 15 feet from the side lot and they are requesting for 13 feet. He said that the 2nd story addition is considered a further expansion of living space in the front yard. Staff does

believe the wall can be pulled back 2 feet and that the air conditioner can be moved to conform. Mr. O'Brien then reviewed the variation standards in the staff report.

Mr. O'Brien stated that the staff recommended denial of the 2nd story addition in front and the side yard air conditioner variations. Staff recommended approval of the North side expansion of the nonconforming wall.

Ms. Pokorski asked if all of the nonconformities were because of new zoning ordinances that passed.

Mr. O'Brien said that this was not true in the front yard. He is not sure how the home was built 28 feet from the front. The nonconforming wall to the North was created by the zoning ordinance change. The air conditioner is a similar situation but adding the conforming walls will bump out these 2 feet into the setback.

Ms. Pokorski asked if adding the 2nd story is a daylight plane violation?

Mr. O'Brien said no.

Mr. Henahan noted that the front is a new encroachment but only on the 2nd floor. He said that over the years they tend to let people maintain those encroachments.

Mr. O'Brien said that staff believes the ordinance should be changed rather than them approving variations but the board has approved them in the past.

Ms. Pokorski said that the difference in this case is that their purpose for expanding is more aesthetic than necessity, such as a garage.

Mr. O'Brien noted that they are reworking and adding living space and that is why it is considered an expansion.

Mr. Julian stated that he does not see a problem with the encroachment but worries about daylight plane regulations. He does have a problem with the air conditioners and thinks they should not exist in setback areas.

Ms. Moston asked for drawings to visualize where the air conditioners were going.

Mr. Hrobon stated that the existing air conditioner is from the builder and is noisy and not high quality. They want to replace these with 2 brand new, substantially quieter units and they have 2 pine trees in between the air conditioners and the neighbor's property to muffle the noise.

Mr. Henahan noted that the air conditioners themselves are not fully encroaching into the setback, only part of them.

Mr. Hrobon noted the size of the air conditioners is 3ft by 3ft and that a corner of one encroaches and 1/3 of the other. He thinks the 2 feet encroachment is an exaggeration.

Ms. Moston asked if the point of putting them on the side is primarily financial.

Mr. Hrobon said no, it is logistical. With 2 contractors they looked at the feasibility of moving them and feeding the Freon lines from the South side of the house and that would be very difficult.

Mr. Julian stated that he does not like new encroachments, even if it is just a corner.

Ms. Moston noted that there is a difference between the structure of a home and an appliance.

Ms. Pokorski stated that by law the air conditioner is part of the house (a fixture).

Mr. Julian restated that anytime you move into a setback area there is a problem and he does not want to give more.

Ms. Moston asked if they were following the rules for the sake of following the rules. She noted that their job is to make decisions to make people's lives easier.

Ms. Perille noted that a slight modification of plans could move the air conditioning units within the property lines.

Mr. Cazzetta stated that the corner with the bench is a 2 story corner and they would hate to compromise the building for the sake of an appliance.

Mr. Hrobon said that they researched other air conditioners and found a smaller one but it was noisier.

Mr. Julian said he was not prepared to vote for a variance that encroaches. By the board's standards it is not the minimum if something else will work.

Ms. Moston asked if the petitioners know the decibel level of the other (smaller) units?

Mr. Hrobon said yes, but he cannot quote them. He said that the 2 new ones are less than what is currently there.

MOTION: Mr. Julian moved to recommend approval of the 2nd story addition, the East yard setback and the reconstruction of the existing nonconforming wall on the other side and to recommend denial of the air conditioning variation. Ms. Perille seconded. **Role call vote: Chairperson Pokorski, no; Mr. Julian, yes; Ms. Moston, yes; Ms. Perille, yes; Mr. Hennehan, no. Motion carried 3-2.**

Mr. Hennehan asked if the board of trustees can change this again.

Mr. O'Brien said that staff will write recommendations of the variations they approved and the board will get the findings and that it will go to the September 22 meeting.

APPROVAL OF MINUTES

Ms. Pokorski stated there were no minutes to approve.

PLANNER'S REPORT

Mr. O'Brien stated they had nothing for the October meeting yet.

ADJOURNMENT

MOTION: Mr. Julian moved to adjourn. Voice vote recorded all yes. Meeting adjourned at approximately 9:00 pm.

Respectfully submitted,
Erin Emerick, Recording Secretary

Patricia Pokorski, Chairperson
Zoning Board of Appeals